

## **Standard Operating Procedure (SOP) for Assuring Regions' and Headquarters' Timely Review of Environmental Benefits from Large EPA Enforcement Cases**

### **Purpose and Applicability**

The purpose of this Standard Operating Procedure (SOP) is to establish a standard timeline for the Office of Enforcement and Compliance Assurance (OECA) and regions to confer and reach agreement on the underlying methodology used to calculate environmental benefit estimates from large EPA enforcement cases. For the purpose of this SOP, use of the term “large environmental benefit cases” refers to cases with environmental benefit estimates equal to or greater than 5 million units<sup>1</sup> (e.g., pounds, cubic yards, gallons or acres). This SOP details the work processes and the applicable guidelines to be used for estimating and obtaining HQ and regional agreement on the environmental benefit estimates prior to their release to the public. This SOP is effective as of the date of issuance (June 14, 2016) for all large case environmental benefit calculations.

### **Background**

Supporting Goal 5 of EPA's Strategic Plan, OECA requires annual reporting of information to characterize and measure environmental outcomes resulting from federal administrative and civil judicial enforcement cases. The Guide to Calculating Environmental Benefits from EPA Enforcement Cases (referred to as the Case Conclusion Data Sheet guidance or CCDS)<sup>2</sup> identifies case-specific information that must be reported to OECA, including quantitative environmental outcome data. The value of the CCDS information compiled by EPA largely depends on its accuracy and completeness. To ensure the environmental benefit calculations are accurate and consistent with the CCDS guidance, OECA established a data certification process to review environmental benefit calculations for cases with large environmental benefit amounts. The data certification process consists of a quality review of environmental benefit calculations to ensure reliability of the information that is made available to the public.

Each fiscal year, OECA issues guidance to the regions describing core and national enforcement initiative reporting requirements, data collection tools and reporting deadlines as directed by senior management through the OC Annual Reporting Plan process. OECA also uses a data quality review and certification process to ensure the accuracy and reliability of accomplishments data that are reported in OECA's official database-of-record, the Integrated Compliance Information System (ICIS). At the same time, Agency-wide data quality protocols identify timeliness of reporting as a key data accessibility requirement. A streamlined data reporting process is underway to improve the timeliness with which accurate environmental benefit information is made available for public release. The purpose of this SOP document is to bridge the gap between these data quality and timeliness efforts by establishing a standard timeline for OECA and the regions to review and reach agreement on the underlying case calculations for cases with large environmental benefit prior to entry of this information into ICIS and their public release.

---

<sup>1</sup> 200,000 for HAP pollutant reduction amounts

<sup>2</sup> <http://www2.epa.gov/sites/production/files/2015-04/documents/ccds.pdf>

**Responsibilities of Personnel in the Environmental Benefit Calculation and Review Process**  
**(see also Table 1)**

**OECA Enforcement Case Contact/ Regional Enforcement/Case Officer Contact:**

- Reviews (with the Case Team when appropriate) enforcement case complying actions and completes required CCDS information.
- Documents step-by-step environmental benefit calculations (refer to CCDS Guidance and Calculation Tools for assistance (<http://intranet.epa.gov/oeca/oc/pmod/index.html>)).
- Uses data quality review guidelines to QA/QC environmental benefit calculations (go to: <https://icis.zendesk.com/home>; enter “data quality review” in Knowledge Base Search field).

**\*\* NOTE:** For the large environmental benefit cases, do not publicly release environmental benefit numbers via a press release, EPA website, or by entering the data into ICIS (which is then automatically made available to the public through ECHO) until the benefit calculations have been approved by OECA and regional management and the HQ Quality Reviewer.

- Forwards management approved environmental benefit calculations from the “large environmental benefit cases” to the HQ Quality Reviewer (Donna Inman ([inman.donna@epa.gov](mailto:inman.donna@epa.gov))) for approval before publically releasing data (via a press release or ECHO through entry of the data to ICIS).
- For National/Multi-Regional cases, provides a regional breakout of the settlement numbers (penalty, environmental benefits, complying action cost, etc.) to each participating region’s case contact at the time the calculations are approved.
- Provides a copy of the final, approved environmental benefit calculations to the enforcement case lead and the Region’s Enforcement Coordinator.

**HQ Quality Reviewer:**

- Provides environmental benefit calculation guidance and tools and assistance with calculating environmental benefits, as requested by regions, OCE and OSRE.
- Provides training to enforcement staff on the applicable use and interpretation of the CCDS guidance and calculator tools.
- Serves as point of contact for problems with entering environmental benefit data into ICIS, and as liaison to ICIS Support Staff for proposing data entry modifications and enhancements related to environmental benefit reporting.
- Issues updates concerning reporting of environmental benefits using the Office of Compliance Reporting Plan, ICIS newsletter, and other mechanisms.
- Reviews environmental benefit calculations provided by regions, OCE and OSRE for large environmental benefit cases to assure accuracy and consistency with current CCDS guidance.
- Coordinates and concurs on the benefit calculations via email to the regional and/or HQ enforcement case contacts.

- Verifies that the environmental benefit values entered in ICIS match the final approved values.

### **Procedures**

Regions should calculate environmental benefits for cases as soon as the injunctive relief requirements are finalized and any quantifiable environmental outcomes of the case have been determined by the appropriate enforcement staff.

In conjunction with the regions, OCE and OSRE, OC will begin using existing case tracking mechanisms, such as the monthly EC/RD call discussions, to identify likely large environmental benefit cases to facilitate early exchange of information regarding environmental benefits resulting from a case. Early identification and review of large environmental benefit cases will minimize the potential for a delay in lodging a case due to incomplete resolution of issues concerning environmental benefit calculations.

For large environmental benefit cases regions should submit the detailed environmental benefit calculations to the HQ Quality Reviewer according to the timeline provided in Table 1. Early submission of environmental benefit outcome calculations is necessary to allow for HQ review and concurrence on the benefit estimation methodologies and values for the case. If environmental benefit calculations are not completed and concurred on by the HQ Quality Reviewer at the time a case is lodged, reference to specific environmental benefit values should not be reported via entry into ICIS, inclusion in an OECA or regional press release or included in material on any public EPA website.

OC has developed an electronic “CCDS Environmental Benefits Decision Tool” to help users navigate the process/steps for categorizing and calculating environmental benefits resulting from concluded enforcement cases. The Decision Tool is expected to be posted on OC’s intranet website during the 3<sup>rd</sup> Qtr. of FY2016. We will forward the link to appropriate OECA contacts and the Regions when the tool is available on the intranet.

**Table 1**  
**Large Environmental Benefit Cases**  
**Timeline and Responsibilities for Review and Approval**

<b>Actions</b>	<b>Timeline (based on anticipated date of Consent Decree Lodging or Administrative Final Order Issuance)</b>	<b>Responsible Person (varies by Region/Program Office)</b>
a. Document step-by-step environmental benefit calculations using case specific loading, emission or concentration data <u>or</u> use sector and/or parameter default values available in the most current version of the CCDS Guidance and calculator tools found at:	<ul style="list-style-type: none"> <li>• As early as possible, preferably no later than 4 weeks prior to anticipated date of lodging or Administrative Final Order Issuance.</li> </ul>	<ul style="list-style-type: none"> <li>• Enforcement Case Contacts</li> </ul>

<p><a href="http://intranet.epa.gov/oeca/oc/pmod/index.html">http://intranet.epa.gov/oeca/oc/pmod/index.html</a>.</p> <p>b. Forward calculations to appropriate regional or HQ Program Office manager(s) for approval.</p>		<ul style="list-style-type: none"> <li>Enforcement Case Contacts</li> </ul>
<p>c. Forward management approved environmental benefit calculations and supporting documentation to the HQ Quality Reviewer</p>	<ul style="list-style-type: none"> <li>As early as possible, preferably no later than 4 weeks prior to anticipated date of CD lodging or Administrative Final Order Issuance.</li> </ul>	<ul style="list-style-type: none"> <li>Enforcement Case Contacts</li> </ul>
<p>d. Complete review of environmental benefit calculations.</p> <p>e. Coordinate with regional and HQ enforcement case contacts as appropriate regarding necessary revisions. Concur on calculations and inform regional and HQ enforcement case contacts of concurrence.</p>	<ul style="list-style-type: none"> <li>As early as possible, preferably no later than 2 weeks prior to anticipated date of CD lodging or Administrative Final Order Issuance.</li> </ul>	<ul style="list-style-type: none"> <li>HQ Quality Reviewer</li> </ul>
<p>f. Verify that the press release, EPA websites, and ICIS/ECHO display the final, approved environmental benefit numbers.</p>	<ul style="list-style-type: none"> <li>As early as possible, preferably no later than 1 week prior to anticipated date of CD lodging or Administrative Final Order Issuance.</li> </ul>	<ul style="list-style-type: none"> <li>HQ Quality Reviewer</li> </ul>